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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., <u>et al.</u> ,) Chapter 11
) 1
Debtors.) (Jointly Administered)
)
)
)

**ORDER GRANTING TRUSTEE'S MOTION FOR ORDER GRANTING
CLAIMANT UNICAL ENTERPRISES, INC. RELIEF FROM THE PLAN
INJUNCTION SOLELY TO THE EXTENT NECESSARY TO
PROSECUTE ITS PENDING APPEAL TO COMPLETION**

This matter coming before the Court on the Trustee's Motion for Order Granting Claimant Unical Enterprises, Inc. Relief From the Plan Injunction Solely to the Extent Necessary to Prosecute Its Pending Appeal to Completion (the "Motion") filed by Alfred H. Siegel (the "Trustee"), the duly appointed trustee of the Liquidating Trust; the Court (a) having reviewed the Motion and all pleadings relating thereto and (b) having heard the statements of counsel regarding the relief requested in the Motion at a hearing before the Court (the "Hearing"); the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) this

is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) that sufficient cause exists for the granting of the relief requested in the Motion; (d) that granting the relief requested in the Motion is in the best interest of the Trust, its estate and creditors; (e) notice of the Motion and the Hearing was proper and adequate under the circumstances and no other further notice is necessary; and (f) upon the record herein after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein. Therefore,

IT IS HEREBY ORDERED THAT:

The Motion is **GRANTED**.

.2 All capitalized terms not otherwise defined herein shall have the meaning given to them in the Motion.

.3 The Plan Injunction is hereby lifted in favor of Unical solely to the extent necessary to prosecute the Pending Appeal to completion.

.4 To the extent any of Unical's claims are revived through the Pending Appeal, same shall be liquidated through the Claim Objection.

.5 This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

.6 Upon entry of this Order, counsel for the Trustee shall ensure that the same is promptly served upon counsel for Unical as identified on the hereafter Certification.

Dated: **Feb 26 2014**

Richmond, Virginia

/s/ Kevin R. Huennekens

The Honorable Kevin R. Huennekens
United States Bankruptcy Judge

Entered on Docket:2/26/14

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February, 2014, a substantially similar copy of the foregoing **Trustee's Motion for Order Granting Claimant Unical Enterprises, Inc. Relief From the Plan Injunction to the Extent Necessary to Prosecute Its Pending Appeal to Completion** was served electronically through the Court's CM/ECF System to the following:

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